

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

STANLEY R. TILLEY, SR., #01629351	§	
VS.	§	CIVIL ACTION NO. 6:18cv163
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Stanley Renard Tilley, Sr., a state prisoner confined at the Eastham Unit within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se* and *in forma pauperis*, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his judgment and sentence from Cherokee County, Texas. The petition was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On August 20, 2020, Judge Mitchell issued a Report, (Dkt. #20), recommending that Petitioner's habeas petition be dismissed, with prejudice, and that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. Petitioner has filed timely objections, (Dkt. #22).

Objections that simply rehash or mirror the underlying claims addressed in the Report are not sufficient to entitle the party to *de novo* review. *See U.S. v. Morales*, 947 F.Supp.2d 166, 171 (D.P.R. 2013) ("Even though timely objections to a report and recommendation entitle the objecting party to *de novo* review of the findings, 'the district court should be spared the chore of traversing ground already plowed by the Magistrate.'") (internal citations omitted); *see also Vega v. Artuz*, 2002 WL 31174466 \*1 (S.D. NY Sep. 2002) (unpublished) ("However, objections that are merely perfunctory responses argued in an attempt to engage the district court in a rehashing

of the same arguments set forth in the original petition will not suffice to invoke *de novo* review of the magistrate judge's recommendations."). Here, Petitioner's objections to Judge Mitchell's Report and Recommendation are an attempt to rehash his habeas claims.

Nevertheless, the court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the court has determined that the Report of the United States Magistrate Judge is correct and Petitioner's objections are without merit. Accordingly, it is

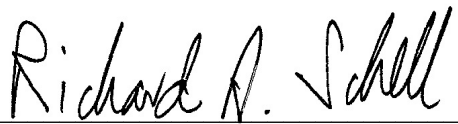
**ORDERED** that Petitioner's objections, (Dkt. #22), are overruled and the Report of the Magistrate Judge, (Dkt. #20), is **ADOPTED** as the opinion of the court. It is also

**ORDERED** that the above-styled civil action is **DISMISSED** with prejudice. Moreover, it is

**ORDERED** that Petitioner Tilley is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**SIGNED this the 14th day of September, 2020.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE